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MONTANA LEGISLATIVE HISTORY

Chapter 528 19 85

Bill H 423 S _____ Original bill & history ✓ C

H. Committee on State Admin			S. Committee on Judiciary		
Hearing Date(s)	2-8	✓ C	Hearing Date(s)	3-23	✓ C
	2-18	✓ C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

RETURNED TO HOUSE
3/28 SIGNED BY SPEAKER
3/28 SIGNED BY PRESIDENT

3/29 TRANSMITTED TO GOVERNOR
4/02 SIGNED BY GOVERNOR
CHAPTER NUMBER 336 EFFECTIVE DATE: 4/02/85

HB 422 INTRODUCED BY SWIFT, MARKS
REVISE WATER WELL CONTRACTORS LAWS
BY REQUEST OF BOARD OF WATER WELL CONTRACTORS

1/23 INTRODUCED
1/23 REFERRED TO BUSINESS & LABOR
1/24 FISCAL NOTE REQUESTED
1/29 FISCAL NOTE RECEIVED
2/06 HEARING
DIED IN COMMITTEE

HB 423 INTRODUCED BY GILBERT, SCHYE, ET AL.
LEGALIZE LANDING AND TAKEOFF OF AIRCRAFT ON PUBLIC WATERS AND ROADS
BY REQUEST OF DEPARTMENT OF COMMERCE

1/23 INTRODUCED
1/23 REFERRED TO STATE ADMINISTRATION
2/08 HEARING
2/19 COMMITTEE REPORT-BILL PASS AS AMENDED
2/20 2ND READING PASS 90 6
2/21 3RD READING PASS 86 13

TRANSMITTED TO SENATE
2/22 REFERRED TO JUDICIARY
3/22 HEARING
3/25 COMM REPORT-BILL CONCURRED AS AMENDED
3/28 2ND READING CONCURRED 50 0
3/30 3RD READING CONCURRED 49 0

RETURNED TO HOUSE WITH AMENDMENTS
4/05 2ND READING AMENDMENTS CONCURRED 88 2
4/08 3RD READING AMENDMENTS CONCURRED 92 4
4/15 SIGNED BY SPEAKER
4/15 SIGNED BY PRESIDENT

4/16 TRANSMITTED TO GOVERNOR
4/18 SIGNED BY GOVERNOR
CHAPTER NUMBER 528 EFFECTIVE DATE: 4/18/85

HB 424 INTRODUCED BY HOWE
PROVIDE FOR VEHICLE PURCHASE STICKER AS PROOF OF PURCHASE - GRACE PERIOD
BY REQUEST OF MOTOR VEHICLE DIVISION

1/23 INTRODUCED
1/23 REFERRED TO HIGHWAYS & TRANSPORTATION
1/24 FISCAL NOTE REQUESTED
1/29 FISCAL NOTE RECEIVED
2/07 HEARING
2/08 COMMITTEE REPORT-BILL DO PASS
2/09 2ND READING PASS 94 1

HOUSE BILL NO. 423

INTRODUCED BY [signature] Hal Hammond

BY REQUEST OF THE DEPARTMENT OF COMMERCE M. Hansen E. Smith

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AIRCRAFT LANDINGS AND TAKEOFFS FROM PUBLIC WATERS AND ROADS ARE LAWFUL; AMENDING SECTION 67-1-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 67-1-204, MCA, is amended to read:

"67-1-204. Lawfulness of flight and landings. (1) Flight in aircraft over the lands and waters of this state is lawful, unless at such a low altitude as to interfere with the then-existing use to which the land or water or the space over the land or water is put by the owner or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water or in violation of the air commerce regulations which have been or may be promulgated by the department of commerce of the United States.

(2) Aircraft landings and takeoffs from the public waters of this state are lawful except as otherwise provided by this section and the United States government.

(3) Aircraft landings and takeoffs from public roads in this state are lawful if proper safety precautions, as approved by the governing jurisdiction of such roads, are taken prior to such landing or takeoff, except as otherwise provided in this section.

~~(2)~~(4) No person shall operate an aircraft, as pilot thereof, either in the air, on the water, or on the ground, in a careless or reckless manner so as to endanger the life or property of others, including the aircraft being operated and passengers carried therein.

~~(3)~~(5) The willful and malicious use of aircraft in stunting or diving over livestock in a manner calculated to frighten or stampede them shall be deemed an unlawful use thereof, and actual and punitive damages, in addition to the penalties provided by this part, may be recovered in an action for damages caused therefrom.

~~(4)~~(6) The landing of an aircraft on the private lands or waters of another without his consent is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner or lessee of the aircraft or the pilot shall be liable for actual damage caused by such forced landing."

NEW SECTION. Section 2. Effective date. This act is effective on passage and approval.

-End-

(To be kept current -- post bills when entering being heard or leaving committee.) Form CS-32

STATUS SHEET

Forty-Ninth LEGISLATIVE SESSION

COMMITTEE ON State Administration

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB 423	1/23	2/8 & 2/18	2/18			2/18			
427	1/23	2/6	2/6		2/6				
451	1/23	2/6	2/6		2/6				
461	1/24	TABLED AT REQUEST OF SPONSOR							
463	1/24	2/7	2/7	2/7					
464	1/24	2/7	2/7			2/7			
473	1/25	1/28 REREFERRED TO JUDICIARY							
482	1/25	2/8	2/8			2/8			
488	1/26	2/7	2/7			2/7			
501	1/26	2/13	2/13	2/13					
508	1/26	REREFERRED 2/8/85							
513	1/26	3/5	3/5			3/5			
514	1/26	2/12 TABLED 2/12/85							
515	1/26	TABLED AT REQUEST OF SPONSOR							
523	1/28	2/11	2/11	2/11					
524	1/28	2/13	2/13			2/13			

Use a separate sheet for Senate, House Bills, and Resolutions

CHAIRMAN--MAZUREK, JOE
SECRETARY-STALEY, CINDY
NORMAL SCHEDULE==> SITE: OLD SUPREME COURT ROOM DAYS: M-TU-W-TH-F TIME: 10:00 A.M.-12 NOON

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0365	2/18	3/13		CONCUR		3/13
CAMPBELL, BUD			CHANGE METHOD OF MAKING & KEEPING REPORTS OF STOLEN & RECOVERED VEHICLES			
HB0366	3/04	3/14		ADVERSE REPORT		3/21
RAMIREZ, JACK			REVISING LAW RELATING TO DISCRIMINATION IN INSURANCE & RETIREMENT PLANS			
HB0371	2/08	3/13	3/13	CONCUR		3/15
SIMON, BRUCE T.			REPEAL 61-3-104, MCA - SECURITY INTEREST ON MOTOR VEHICLE PARTS			
HB0390	2/07	3/06		CONCUR		3/6
CODY, DOROTHY A.			BRINGING ALL VEHICLES UNDER LAW ON DRIVING UNDER INFLUENCE			
HB0419	2/08	3/22		CONCUR		3/23
BRANDEWIE, RAY			ELIMINATING REQUIREMENT FOR AIR INSTRUCTOR LICENSE OR CERTIFICATE			
HB0423	2/22	3/22		CONCUR AS AMENDED		3/23
GILBERT, BOB			LEGALIZE LANDING AND TAKEOFF OF AIRCRAFT ON PUBLIC WATERS AND ROADS			
HB0425	2/04	3/13	3/13		TAXATION	3/13
SPAETH, GARY			MAKING DELINQUENT TAXES ON LEASEHOLD IMPROVEMENTS A LIEN ON PERSONALTY			
HB0426	2/08	3/19		CONCUR AS AMENDED		3/19
SPAETH, GARY			REQUIRE PRELIMINARY INJUNCTION SHOWING FOR COURT TO STAY AGENCY DECISION			
HB0438	2/06	3/27	3/28	CONCUR AS AMENDED		3/28
BROWN, JAN			OFFSET CHILD SUPPORT DEBTS AGAINST STATE INCOME TAX REFUNDS			
HB0439	2/07	3/27	3/28	CONCUR AS AMENDED		3/28
BROWN, JAN			CONSUMER CREDIT REPORTING AGENCIES ACCESS TO CHILD SUPPORT DEBT INFORMATION			
HB0440	2/12	3/27	3/28	CONCUR AS AMENDED		3/28
BROWN, JAN			ENFORCEMENT OF SPOUSAL SUPPORT BY DEPARTMENT OF REVENUE			

VISITORS' REGISTER

STATE ADMINISTRATION COMMITTEE

BILL NO. HB ~~307~~ 423 DATE FEB 8 1985

SPONSOR GILBERT

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
R.H. Scott	Beeley Lake Mont		X
John Semple (MATA)	Helena, MT	X	
Michael Biggerstaff (MATA)	Stanford, MT	X	
~~Erate Jean~~	~~Opheim, MT~~		
Mike Fergueson	Commerce Aeronautics	X	
~~Rep Ken Nordtvedt~~			
Rep Ted Schye		X	
Wayne C. Turner	Big Sandy	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

funding from the legislature in 1983. Mr. Ross said that testing is still being done, but it is not being done by the Milk Control Bureau.

Representative Manuel closed his presentation on House Bill No. 401.

CONSIDERATION OF HOUSE BILL NO. 423: Representative Bob Gilbert, District 22, Sidney, appeared before the committee as sponsor of House Bill No. 423. He stated that right now the State of Montana does not have a law concerning aircraft take offs and landings on public roads or waters, and this bill would put it into a law.

PROPONENTS: Mike Ferguson, of the Aeronautics Division of the Department of Commerce, said that they support this bill and he said he felt that Representative Gilbert adequately addressed this problem. He said there are some farmers and ranchers who already use the roadways to some extent. He said that some counties will permit it and others will not.

John Semple, representing the Montana Aviation Trade Association, said that they are very supportive of House Bill No. 423. He said that they use roads for landing when they are spraying farmers fields, looking for cattle, looking for pipeline leaks, and checking power-lines for malfunctions, because air landing strips are so far apart in some Montana areas.

Mike Biggerstaff, Vice President of the Montana Aviation Trade Association, said that they support what Mr. Semple stated and they support House Bill No. 423. He said that he is also in the aerial application business, and they need to have access to the roads so that they can keep the costs of their services to farmers and ranchers down.

OPPONENTS: Bob Scott of Seeley Lake, Montana, said that he opposed House Bill No. 423. He gave written testimony to the secretary. (See Exhibit No. 1)

There were no further proponents or opponents to House Bill No. 423.

DISCUSSION OF HOUSE BILL NO. 423: Representative O'Connell asked Representative Gilbert if this law goes along with what they are trying to avoid at Seeley Lake. Representative Gilbert said that right now, federal law mandates.

Federal law says that airplanes can land on public waters. He said that these waters are for everyone's use. He also stated that this bill would allow the state to license water airports, and it would control where the planes land on water.

Representative Phillips wanted to know if a person could land on any waters, anywhere in the state of Montana, if there is not a licensing of water airports. Representative Gilbert said that the wilderness and the national parks are already under control and are protected.

Representative Cody asked Representative Gilbert if it was currently illegal for spray planes to land on county roads. Representative Gilbert said that some pilots have been arrested for landing on county roads in eastern Montana. He said that it has been up to a county whether they want to allow landing on roads or not.

Representative Harbin asked Mr. Scott how many seaplanes landed on Seeley Lake last year. Mr. Scott said that he did not know the exact amount, but he would say approximately 20-25 landed there last year.

Representative Nelson asked if public roads included the interstate highway. Mr. Ferguson said that it could be any public road, but it would be left up to the jurisdiction of the Highway Patrol or County Commissioners. He said that local jurisdiction would still have control for what they consider the safety of the public.

Representative Peterson stated that she feels pretty confident with governing jurisdiction remaining with the county, but she wanted to know how any of this deals with water takeoff and landing. Mr. Ferguson said that right now the state laws do not distinguish between water and land, but the same safety precautions apply. He said that whoever has the water jurisdiction would have the authority, and it would either be state or federal.

Representative Smith asked Mr. Scott what the difference was between speed, noise and wake of a seaplane versus a speed boat. Mr. Schott said that he was not familiar with the decibel levels, but he said that the decibel level of a seaplane on takeoff is much higher than that of a speed boat. He said that the main concern of the

people at Seeley Lake, is for the safety of the people in or on the water when the planes are taking off and landing.

Representative Jenkins asked Representative Gilbert what he thought about dropping the public waterways from this legislation. Representative Gilbert said that if they remove the waterways from this bill, then it will leave the issue open again, and he feels that they need the controls for waterways set in place.

Representative Moore asked Mr. Scott a question in reference to his testimony about laws that have been made by other states concerning the landing of planes on lakes. She wanted to know if any planning such as this, had been done for the lakes in Montana. Mr. Scott said that he did not know of any such planning for the state of Montana, and he did not think anyone had addressed the problem. Mr. Scott also said that the Montana code for the licensing of airports, has been on the books for years, but the Division of Aeronautics and its administration has chosen not to enforce that law.

Representative Harbin asked Mr. Ferguson if he would respond to the comment about the 40 year old law that Mr. Scott was referring to. Mr. Ferguson said that he had not been the administrator for forty years, and he did not write the laws or the codes. He said that he does not know why they haven't been licensing airports and he has been trying to seek that out. He said that his Department has prepared letters and sent out forms to every public use airport operator in the state, and they are receiving applications back. He said that the law states that the person or municipality owning the property, must apply to the department for a license. He said that in reference to Seeley Lake, they had never received an application from anyone.

Representative Peterson asked Mr. Ferguson if the Aeronautics Division becomes the governing board for deciding on water as well as roads. Mr. Ferguson said only if it is an area of water that has been established as an airport.

Representative Pistoria asked Mr. Scott if he was concerned about this bill because of a situation that involved a senator from Great Falls. Mr. Scott said

that he was not a member of the homeowners group and he was not representing anyone other than himself, but he said that the seaplanes on Seeley Lake have been a concern of many for a long time.

Wayne Turner, operator of Triangle Aviation in Big Sandy, who came in late because of the weather, spoke in support of House Bill No. 423.

Representative Moore asked Mr. Ferguson if the passing of this bill would help his department get control of the situation with the lakes. Mr. Ferguson said that it would, if the airport licensing bill stays intact.

In closing, Representative Gilbert said that whether this bill passes or not, there will still be a problem at Seeley Lake; but he said that if the state does get jurisdiction, they may be able to help solve some of the problems on the waterways.

CONSIDERATION OF HOUSE BILL NO. 256: Representative Eudaily said that House Bill No. 256 is by request of the Teacher's Retirement Board. He said that the purpose of the bill is to tighten the use of termination pay which is used to increase retirement benefits and the need to keep the teachers retirement system sound. He said that the few changes to be made in the bill are at the bottom of page 2, and the top of page 3.

PROPONENTS: Bob Johnson, administrator of the Teachers' Retirement System, told the committee how the benefits are calculated. Mr. Johnson passed out a handout listing three options of determining termination pay to the committee. (See Exhibit No. 2) He went over each of these options in detail.

There were no further proponents, and no opponents.

DISCUSSION OF HOUSE BILL NO. 256: Representative Phillips asked Mr. Johnson about the fact that some school districts are paying some of their personnel to retire, and wanted to know if this was included in the termination pay. Mr. Johnson said that it was, and they had one of the three options. Representative Phillips wanted to know if annual leave and sick leave were included. Mr. Johnson said that they were.

DISPOSITION OF HOUSE BILL NO. 423: Rep. Harbin moved ADOPTION OF THE AMENDMENTS, seconded by Rep. Jenkins. The motion CARRIED WITH Reps. Fritz, Pistoria and O'Connell voting "no".

Rep. Cody then moved that HB 423 DO PASS AS AMENDED, seconded by Rep. Garcia. Motion CARRIED with Reps. Fritz, Phillips, Pistoria, O'Connell and Sales voting "no".

DISPOSITION OF HOUSE BILL NO. 702: Rep. O'Connell moved that HB 702 DO PASS, seconded by Rep. Peterson. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 705: Rep. Peterson moved that HB 705 DO PASS, seconded by Rep. Campbell. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 713: Rep. Harbin moved that HB 713 DO PASS, seconded by Rep. Smith. Motion CARRIED with Rep. Jenkins voting "no".

DISPOSITION OF HOUSE BILL NO. 709: Rep. Harbin moved that HB 709 DO NOT PASS, seconded by Rep. Smith. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 632: Rep. O'Connell moved that HB 632 DO PASS, seconded by Rep. Moore. Rep. Phillips asked the Committee members to remember that this would be an automatic mill levy increase on the people back home. He said that the ones receiving $1,000 per month don't need this. There was some discussion about amending Sections 1 and 2 out of the bill. Rep. Harbin, however, said that those two sections would not cost as much as Section 3. Lois Menzies also stated that the active teachers cannot pay for benefits that they will never receive. Motion CARRIED with Reps. Phillips, Compton, Sales, Smith, Jenkins, Garcia, Holliday and Cody voting "no". The vote was 10-8.

There being no further business, the Committee adjourned at 9:40 a.m.

WALTER R. SALES, Chairman

ls

DISCUSSION OF HOUSE BILL NO. 535: Representative Phillips wanted to know if the candidates who say they do not have enough money for the filing fee, would be allowed to be included in this pamphlet if they were not able to pay the fee. Representative Hannah said that they probably would not be excluded.

Representative Cody wanted to know if this pamphlet would be taking away the candidates responsibility and obligation of letting the voters know who he is and what he stands for. Representative Hannah said that he does not feel that this would take away the candidates responsibilites. He again said that there were many new people in our state and this pamphlet would better help the voter be informed about the candidates.

Representative Garcia wanted to know if this publication would be by districts or statewide. Mr. Akey said that it would be a statewide publication because of the cost involved in printing. If it were by districts, the cost would have to be more, because there would be more than one publication.

Representative Pistoria asked Representative Hannah if this wasn't already optional for state offices. Representative Hannah said that yes, it was optional.

In closing, Representative Hannah said that this bill is a vehicle that could be used by the vast statewide candidates that would pay for it. He said that he felt it would be helpful for the people in the state of Montana.

The committee then went into executive session for action on bills.

DISPOSITION OF HOUSE BILL NO. 650: Representative Sales said that he felt this bill should go to the election committee. Representative O'Connell moved that it go to the election committee and it was seconded and carried.

DISPOSITION OF HOUSE BILL NO. 401: Representative O'Connell made a DO PASS motion on House Bill No. 401. It was seconded and carried with one opposing vote of Representative Fritz.

DISPOSITION OF HOUSE BILL NO. 423: Representative Cody said that Representative Gilbert asked that this bill

pass for today because he had received some further information after the hearing was closed, that he would like to present to the committee before any executive action was taken on this bill. Representative Cody made a motion to pass it for today. Representative O'Connell seconded the motion and it carried unanimously.

DISPOSITION OF HOUSE BILL NO. 256: Representative Smith made a DO PASS motion on the amendment to House Bill No. 256. Representative Fritz seconded the motion and the motion carried unanimously. Representative Smith moved that House Bill No. 256 DO PASS AS AMENDED. Representative Fritz seconded the motion. There was committee discussion about the amendment. The DO PASS AS AMENDED motion passed unanimously.

DISPOSITION OF HOUSE BILL NO. 535: Representative Jenkins moved that House Bill No. 535 DO PASS. Representative Smith seconded the motion.

Representative Garcia said that he had a concern about the Public Commission race because he said that some of those races don't even amount to $5,000.00. He said that he believed that the candidate should get out and be with the people. He said that he would vote against the bill and Representative O'Connell agreed with him.

Representative Fritz said that he also opposed this motion and said he felt that most of our state newspapers give the same information that would be in this pamphlet.

Representative Fritz made a substitute motion that House Bill No. 535 DO NOT PASS. Representative Cody seconded the motion. The DO NOT PASS motion carried 11-7. The following Representatives voted against the substitute motion: Smith, Jenkins, Harbin, Phillips, Hayne, Kennerly, and Campbell.

DISPOSITION OF HOUSE BILL NO. 482: The amendments to this bill were passed out and Sue Bartlett, Lewis and Clark County, Clerk and Recorder, explained the amendments to the committee. Representative O'Connell moved that the amendments DO PASS. Representative Harbin

Exhibit #1

House Committee on State Administration
Walter Sales, Chairman
Capitol Station
Helena, Montana

I would like to take this opportunity to bring to your attention some facts relative to the underlying reasons for HB-354 and repeal of Sections 67-3-301 through 67-3-306, M.C.A.

Also HB 423 RNS

This legislation is "Special Interest," "Out-of-State Special Interest," and a direct attempt to evade compliance and circumvent District Court Order #49580 August 2, 1984. It is further an attempt by the Aeronautics Division Department of Commerce to "cover-up" its failure and refusal to enforce Title 67, M.C.A.

This legislation is a direct result of the Seaplane base controversy at Seeley Lake, Montana, and is a ploy to allow the operation of a Commercial Seaplane Base on Seeley Lake over the objections of the majority of the lakefront property owners, the U. S. Forest Service, and the Montana Fish and Game Commission, not to mention the objections by petition of hundreds of people who use the lake for recreational purposes.

FAA approval of an Airport or Seaplane Base is an "Airspace determination only," and is not an approval of the physical development or land or water use; it is for the safe and efficient use of Airspace by Aircraft. There was No "On-Site" inspection by FAA prior to approval for operation at Seeley Lake, and no verification of the facts on the application.

Favorable consideration of this bill would in effect deprive property owners of due process of law.

Allowing only FAA approval does not afford sufficient protection for general public, property owners, or the State of Montana.

Montana licenses all other businesses and activities; certainly aviation should not be given preferential treatment.

Most states license and regulate airports, and many states with large public water areas have found it necessary to restrict Seaplane operations on some waters (i.e. Minnesota,

California and Oregon). In view of Montana's projected development and growth and its large water areas, most of which are multi-use, we need airport licensing and regulation for the protection of the general public.

Please do not allow actions such as HB-354 to weaken the laws of our state, or circumvent our courts, for the purpose of serving special interest, or allowing state agencies amnesty for their failure to properly administer the law.

Matters of this nature should be left up to the Department of Commerce to make recommendations for changes to the Montana Code, after a thorough study and review of the Aeronautics Division.

Sincerely,

Robert H. Scott

RHS/sr
Enclosures:
Judge Loble Mandate
Montana Fish and Game Commission Resolution
FAA Letter November 4, 1982

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF LEWIS AND CLARK

* * * * * * *

SEELEY LAKE HOMEOWNERS' ASSOCIATION, a Montana nonprofit corporation, Plaintiff, vs. LEWIS W. LINDEMER, STAKE, INC., a Montana corporation, individually and doing business as LINDEY'S PRIME STEAK HOUSE; LINDEY'S, INCORPORATED, a Minnesota corporation; MONTANA DEPARTMENT OF COMMERCE; MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; and MONTANA DEPARTMENT OF STATE LANDS, Defendants.	No. 49580 PEREMPTORY WRIT OF MANDATE

* * * * * * *

TO THE MONTANA DEPARTMENT OF COMMERCE:

You are hereby ordered, directed and mandated by this court to forthwith and immediately enforce, undertake, and discharge your duties and responsibilities under the provisions of Title 67, M.C.A. concerning "Airport Licensing," and in particular Sections 67-3-301 through 67-3-306 inclusive, as well as 67-3-501 M.C.A., plus all other statutes and regulations regarding licensing and operation of airports, restricted landing areas or other air navigation facilities.

This mandate is specifically concerned with the seaplane base known as "Lindey's Landing West" at Seeley lake, Montana, and is to be construed in light of this court's opinion, memorandum of decision and order issued on August 2nd, 1984, to which reference is hereby made with the same force and effect as if the same were fully set forth herein, and a copy of which is hereto attached.

said seaplane base, it manifestly appears that you have failed to enforce and discharge the clear legal duties mandated to you by the airport licensing statutes above referred to.

Further, if an application for a certificate of approval of said seaplane base is made to you which reasonably complies with Section 67-3-301 M.C.A., you are directed to receive and process same under the applicable statutes above referred to for the purpose of ascertaining and ensuring that said property and its use conform to mimimum standards of safety and serve the public interest.

DATED this 2nd day of August, 1984.

Henry Loble
District Judge

RESOLUTION

SEAPLANE BASE AT SEELEY LAKE

WHEREAS, a seaplane base and fueling facility are planned for Seeley Lake; and

WHEREAS, it is the policy of the Montana Department of Fish, Wildlife and Parks to promote and regulate water safety in the State of Montana; and

WHEREAS, the Department of Fish, Wildlife and Parks has implemented a successful water safety program that is consistent with all recreational use of Seeley Lake; and

WHEREAS, a seaplane base and fueling facility on Seeley Lake poses a serious safety hazard and interfers with the historic heavy recreational use of this lake by boaters, fishermen and waterskiers; and

WHEREAS, public hearings, environmental impact assessments, consideration of economic loss to other users, nor consideration of zoning have been addressed in the planning of this facility;

NOW, THEREFORE, BE IT RESOLVED, the Montana Fish and Game Commission opposes the establishment of a seaplane base and refueling facility on Seeley Lake, and directs the Department to so inform the Federal Aviation Administration, the Missoula County Commission, the Montana Department of Commerce, and the U.S. Forest Service of that opposition.

MONTANA FISH AND GAME COMMISSION

Spencer S. Hegstad
Chairman

James W. Flynn
Secretary

June 8, 1983

US Department
of Transportation

Federal Aviation
Administration

Northwest Mountain Region
Colorado Idaho Montana
Oregon Utah Washington
Wyoming

November 4, 1982

Mr. Lewis W. Lindemer
45 E. Golden Lake Road
Circle Pines, Minnesota 55014

Dear Mr. Lindemer:

We have studied your Notice of Landing Area Proposal, FAA Form 7480-1, to establish a public-use seaplane base, Lindey's Landing West, near Seeley Lake, Montana, at latitude 47°10'28"N and longitude 113°28'45"W.

Aeronautical Study No. 82-ANM-124-NRA indicates that the proposed seaplane base would not impact the safe and efficient use of navigable airspace by aircraft. Hence, we have no objection to it.

This airspace determination should not be construed to mean FAA approval of the physical development involved in the proposal. It is only a determination with respect to the safe and efficient use of airspace by aircraft. In making this determination, the FAA has considered matters such as the effect the proposal would have on existing or contemplated traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA, and the effects that existing or proposed man-made objects (on file with the FAA) and natural objects within the affected area would have on the airport proposal. This determination in no way preempts or waives any ordinance, laws, or regulations of any other governmental body or agency.

No evaluation of the environmental aspects of your proposal has been made; therefore, this determination does not constitute environmental approval under the National Environmental Policy Act of 1969.

You should also be aware that the FAA cannot prevent the construction of a structure near the airport. The airport environs can only be protected through such means as local zoning ordinances or acquisition of property rights.

NO EXPERIENCE, AND NO SPECIFIC JURISDICTION.

5. IT LEGITIMIZES ALLEGED AIRPLANE/BOAT SAFETY PROBLEMS BY SUGGESTING THAT WHICH IS STATISTICALLY SHOWN TO BE FALSE AND HAS BEEN SO RULED BY THE COURTS.

6. IT EMBRACES MATTERS OUTSIDE THE COURT ORDER CONCERNING THE CERTIFYING AND LICENSING OF AIRPORTS.

IN LIGHT OF ALL THE ABOVE, I ASK THIS BOARD TO RECOMMEND TO THE MONTANA DEPARTMENT OF COMMERCE, DIVISION OF AERONAUTICS TO:

✓ 1. DELETE PROPOSED RULE NUMBER IV FROM THE PROPOSED AIRPORT CERTIFICATION AND LICENSING RULES.

2. DELETE THE TERM "USED" FROM LINE FIVE OF PROPOSED RULE NUMBER VI AND INSERT IN IT'S PLACE THE TERM "OPERATED".

3. DELETE THE TERMS "USED OR" FROM LINE FOUR OF PROPOSED RULE NUMBER VII.

⊗. ACTIVELY ~~PRY~~ WITH ALL SEGMENTS OF THE MONTANA AVIATION COMMUNITY IN LOBBYING THE STATE LEGISLATURE TO DECLARE ALL STATE AIRPORT LICENSING LEGISLATION OBSOLETE AND SUPERFLUOUS, AND THEREFORE BE STRICKEN FROM THE MONTANA CODES.

IF THERE ARE ANY QUESTIONS CONCERNING MY PRESENTATION OR THE REFERENCE MATERIAL I REFERED TO, I WOULD BE PLEASED TO ANSWER ANY QUESTIONS YOU MAY HAVE.

IN CONCLUDING, I THANK THIS BOARD FOR THE OPPORTUNITY TO MAKE THIS PRESENTATION AND REQUEST THAT THE PRESENTATION AND SUPPORTIVE DOCUMENTS ~~BE MADE A PART OF THE RECORD OF THIS HEARING.~~

THANK YOU.

* Extract Mr Lindemer's written testimony Dec 14 1984 Airport licensing Public Hearing

WITNESS STATEMENT

423

NAME R. H. Scott BILL No. HB [redacted]

ADDRESS PO 2223 DATE FEB 8 1985

WHOM DO YOU REPRESENT Myself

SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Written Statement Furnished

Rebuttal -

To Bilgent the Law Suit was won
None Lost

The proposed change provides No Regulation
The Act is to far removed to handle
conflicts - not responsive to the General
Public.

The Atty General Nor anyone else
would make a determination on who was
responsible for the Lake.

FHH does not control on the water
No Government at any level in
the state of Montana would address
the problem

FORM CS-34
1-81

STANDING COMMITTEE REPORT

February 12 19 35

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 423

First reading copy (White color)

LEGALIZE LANDING AND TAKEOFF OF AIRCRAFT ON PUBLIC WATERS AND ROADS

Respectfully report as follows: That HOUSE Bill No. 423

BE AMENDED AS FOLLOWS:

1) Page 1, line 23.
Following: "lawful"
Insert: "if proper safety precautions regarding public waters, as prescribed in Title 14, part 91, Code of Federal Regulations, are taken prior to such landing or takeoff."

2) Page 1, line 24.
Strike: "and" through "government"

AND AS AMENDED

DO PASS

Walter R. Sales, Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

CHAIRMAN--MAZUREK, JOE
SECRETARY-STALEY, CINDY
NORMAL SCHEDULE==> SITE: OLD SUPREME COURT ROOM DAYS: M-TU-W-TH-F TIME: 10:00 A.M.-12 NOON

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0365	2/18	3/13		CONCUR		3/13
CAMPBELL, BUD			CHANGE METHOD OF MAKING & KEEPING REPORTS OF STOLEN & RECOVERED VEHICLES			
HB0366	3/04	3/14		ADVERSE REPORT		3/21
RAMIREZ, JACK			REVISING LAW RELATING TO DISCRIMINATION IN INSURANCE & RETIREMENT PLANS			
HB0371	2/08	3/13	3/13	CONCUR		3/15
SIMON, BRUCE T.			REPEAL 61-3-104, MCA - SECURITY INTEREST ON MOTOR VEHICLE PARTS			
HB0390	2/07	3/06		CONCUR		3/6
CODY, DOROTHY A.			BRINGING ALL VEHICLES UNDER LAW ON DRIVING UNDER INFLUENCE			
HB0419	2/08	3/22		CONCUR		3/23
BRANDEWIE, RAY			ELIMINATING REQUIREMENT FOR AIR INSTRUCTOR LICENSE OR CERTIFICATE			
HB0423	2/22	3/22		CONCUR AS AMENDED		3/23
GILBERT, BOB			LEGALIZE LANDING AND TAKEOFF OF AIRCRAFT ON PUBLIC WATERS AND ROADS			
HB0425	2/04	3/13	3/13		TAXATION	3/13
SPAETH, GARY			MAKING DELINQUENT TAXES ON LEASEHOLD IMPROVEMENTS A LIEN ON PERSONALTY			
HB0426	2/08	3/19		CONCUR AS AMENDED		3/19
SPAETH, GARY			REQUIRE PRELIMINARY INJUNCTION SHOWING FOR COURT TO STAY AGENCY DECISION			
HB0438	2/06	3/27	3/28	CONCUR AS AMENDED		3/28
BROWN, JAN			OFFSET CHILD SUPPORT DEBTS AGAINST STATE INCOME TAX REFUNDS			
HB0439	2/07	3/27	3/28	CONCUR AS AMENDED		3/28
BROWN, JAN			CONSUMER CREDIT REPORTING AGENCIES ACCESS TO CHILD SUPPORT DEBT INFORMATION			
HB0440	2/12	3/27	3/28	CONCUR AS AMENDED		3/28
BROWN, JAN			ENFORCEMENT OF SPOUSAL SUPPORT BY DEPARTMENT OF REVENUE			

it. The major airports would have to stop it. Also, they would have a hard time getting insurance if they were given an objectionable airspace report. Senator Mazurek asked about the people who had appealed to them for investigation of problems and received no response. Mr. Ferguson responded they received a response they might not want to accept. They investigated the situation as far as the airspace determination. Under their authority, there was nothing there from a facility operation on the lake that would preclude them from allowing the airspace determination to stand as it is. They did convey that information back to those people.

CLOSING STATEMENT: Representative Brandewie stated a certificate and a license mean the same thing to the federal government. He restated the FAA does not recognize hazards. Every airport is on a chart; and in reference to the Kalispell city airport, there are two antennae on the map. There are hazards that are known to the local pilots. The picture of the lake shows 80% of the ownership of the lake is federal land. The airspace declared safe is on the end of the lake. The seaplanes land in that safe area. They taxi slowly into the dock. They don't come running up to the dock like a speedboat. They are also quieter than some speedboats. He felt the committee should consider the other 120 airports in the state. There is no general fund money that goes to the Aeronautics Division; it is all user funds.

Hearing on HB 354 was closed.

CONSIDERATION OF HB 423: Representative Bob Gilbert, sponsor of HB 423, testified our statutes say no person shall operate an aircraft either in the air or on the ground in a careless manner. They have inserted in the bill or over the water. This bill provides safe operation over the water. This is consideration for our agricultural pilots in the state. They spend more time traveling from the airport to the field when they are empty than they do on spraying. Landing on roads will cut down on the cost to farmers. He wants to make sure if a pilot is landing on a public road (not interstate) with permission, they can set their truck alongside the road, refuel their plane, and go back to work. At the present time in the statutes, there is no mention of landing on the waters. There is mention of flying over it. It is hard to enforce something that isn't legal or illegal. This would provide that landing on the water is legal, and proper safety standards must be followed. If we could put this in the statute, we get rid of the grey area. If you have a problem on the water or road, you can't enforce it because you don't know what it is.

PROPONENTS: Mike Ferguson, Administrator of the Aeronautics Division of the Department of Commerce, stated they favor the bill. He did not want

it confused with the issue at Seeley Lake. It is something totally separate. Nils Pearson, speaking for himself, has landed on public roads twice because of inclement weather. He felt this bill clarified a shady issue. Bert Poloson, seaplane pilot from Polson, testified in support of the bill (Exhibit 24). Lewis Lindemer reiterated the federal laws that make it legal for seaplanes to land on public waters in the United States. Elizabeth Timm, seaplane pilot, supported the bill (Exhibit 25). Leona Strouf, representing Montana Flying Farmers and Ranchers, testified they were in favor of the bill. Henry Johnson, of Pablo, indicated his support on a witness sheet (Exhibit 26).

OPPONENTS: Mike Anderson, on behalf of the Seeley Lake Homeowners Association, testified they are not unalterably opposed. He felt the committee should consider the interaction between one statute that allows landings anywhere and one that abolishes licenses. Judge McCarvel rendered a decision about insurance coverage which upheld an insurance exclusion which covered landing on any area that was not a designated landing area. The only way to designate a landing area is if it is licensed. Irv Gysler, of Seeley Lake, testified on his own behalf. He stated he was in favor of agricultural pilots being able to land on the county roads. The thing that bothered him about this law and the ownership of water in Montana is if you have a reservoir on your place, will a private person use that to land on? In checking with the FAA, he determined that Section 99.1 (Exhibit 27) covers operation in a careless or reckless manner to endanger the life or property of another. That is a standard practice and does not help the situation very much. He hopes the committee takes a good look at the seaplane operation in this bill, but he is in favor of the road lands. Bob Scott testified they would have the committee believe this bill will provide authority for some type of regulation. There are no provisions to have the Aeronautics Division stop any type of operation whatsoever. The standard answer from FAA is we approve airspace only. This has nothing to do with on the land or on the water. He believes HB 423 is connected with HB 354. If you take a look at this bill, and because of the Seeley Lake controversy, we have no objection to the crop dusters being left in but all references to water should be stricken. If the committee cannot strike water from this bill, it should take some of the wording into consideration from paragraph IV (Exhibit 28). If you cannot cover that situation, he asked that the effective date of this bill be deferred until the present litigation is completed regarding Seeley Lake. All of those people on the ground or on the lake will be subject to pilot judgment. The safety of those people on the lake will be up to pilot judgment. The FAA states crashes are due to pilot error, mechanical failure, or structural failure.

QUESTIONS FROM THE COMMITTEE: None.

CLOSING STATEMENT: Representative Gilbert stated everyone seems to think that Seeley Lake is the only lake in the state of Montana. No one knows if it is legal to land on water. They are not the only people or the only place in the state of Montana where there are seaplanes. This bill has nothing to do with the Seeley Lake incident. Without this bill, the state cannot enforce the actions of a plane on the water.

Hearing on HB 423 was closed.

There being no further business to come before the committee, the meeting was adjourned at 12:02 p.m.

Committee Chairman

(This sheet to be used by those testifying on a bill.)

NAME: Albert Poloson Grace Poloson DATE: 3-22-85

ADDRESS: Box 410 Polson Mt

PHONE: 883-4656

REPRESENTING WHOM? Self-

APPEARING ON WHICH PROPOSAL: H-423

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENT:

Please support H.B. 423-

Pilots are regulated by

Federal Air Regulations on

ALL Surfaces of the earth-

Seaplanes have used Montana

waters since 1913- Newspaper

article - Polson Mt.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 24
DATE 032285
BILL NO. HB 423

(This sheet to be used by those testifying on a bill.)

NAME: Elizabeth Timm DATE: 3-22-85

ADDRESS: Box 516, Polson, MT. 59860

PHONE: 883-5193

REPRESENTING WHOM? Seaplane pilots Seaplanes, and general aviation

APPEARING ON WHICH PROPOSAL: HB 423

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENT: On behalf seaplanes, I support the bill.

On behalf of spray pilots, I support there need to use highways at times in a safe manner. This will help our state economy, as well as, provide for spray pilots needs.

Note: Most of those Seeley people are members of the Seeley, Homeowners, Inc. Their purpose in the Inc. is to prevent Seaplane activity.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 25
DATE 032285
BILL NO. HB 423

(This sheet to be used by those testifying on a bill.)

NAME: HENRY I JOHNSON DATE: MAR 22 '85

ADDRESS: BOX 36 PABLO, MT 59855

PHONE: 675-2221

REPRESENTING WHOM? SELF

APPEARING ON WHICH PROPOSAL: 423

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENT: THIS WOULD BE VERY HELPFUL FOR CROP-SPRAYING.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 25
DATE 032285
BILL NO. HB 423

§ 91.9 Careless or reckless operation.

No person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.

§ 91.10 Careless or reckless operation other than for the purpose of air navigation.

No person may operate an aircraft other than for the purpose of air navigation, on any part of the surface of an airport used by aircraft for air commerce (including areas used by those aircraft for receiving or discharging persons or cargo), in a careless or reckless manner so as to endanger the life or property of another.

§ 91.11 Liquor and drugs.

(a) No person may act as a crewmember of a civil aircraft—

(1) Within 8 hours after the consumption of any alcoholic beverage;

(2) While under the influence of alcohol; or

(3) While using any drug that effects his faculties in any way contrary to safety.

(b) Except in an emergency, no pilot of a civil aircraft may allow a person who is obviously under the influence of intoxicating liquors or drugs (except a medical patient under proper care) to be carried in that aircraft.

§ 91.12 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

(a) Except as provided in paragraph (b) of this section, no person may operate a civil aircraft within the United States with knowledge that narcotic drugs, marihuana, and depressant or stimulant drugs or substances as defined in Federal or State statutes are carried in the aircraft.

(b) Paragraph (a) of this section does not apply to any carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances authorized by or under any Federal or State statute or by any Federal or State agency.

§ 91.13 Dropping objects.

No pilot in command of a civil aircraft may allow any object to be dropped from that aircraft in flight that creates a hazard to persons or property. However, this section does not prohibit the dropping of any object if reasonable precautions are taken to avoid injury or damage to persons or property.

[§ 91.14 Use of safety belts.

[(a) Unless otherwise authorized by the Administrator—

[(1) No pilot may take off a U.S. registered civil aircraft (except a free balloon that incorporates a basket or gondola and an airship) unless the pilot in command of that aircraft ensures that each person on board is briefed on how to fasten and unfasten that person's safety belt.]

[(2)] No pilot may take off or land a U.S. registered civil aircraft (except free balloons that incorporate baskets or gondolas and airships) unless the pilot in command of that aircraft ensures that each person on board has been notified to fasten his safety belt.

[(3)] During the takeoff and landing of U.S. registered civil aircraft (except free balloons that incorporate baskets or gondolas and airships) each person on board that aircraft must occupy a seat or berth with a safety belt properly secured about him. However, a person who has not reached his second birthday may be held by an adult who is occupying a seat or berth, and a person on board for the purpose of engaging in sport parachuting may use the floor of the aircraft as a seat.

(b) This section does not apply to operations conducted under Parts 121, 123, or 127 of this chapter. Subparagraph [(a)(3)] of this section does not apply to persons subject to § 91.7.

§ 91.15 Parachutes and parachuting.

(a) No pilot of a civil aircraft may allow a parachute that is available for emergency

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 27
DATE 032285
BILL NO. HB423
Kimpel Hall

"III. AIRPORT LICENSING (1) Applications for licensing of airports and restricted landing areas, required to be licensed under 67-3-301, MCA, shall be made upon forms provided by the department, and shall be accompanied by the license fee of $1.00 as provided by 67-3-101, MCA.

(2) Upon receiving the licensing application and fee, the department shall conduct an inspection which shall take into consideration whether the facility is serving the public convenience and necessity in a safe and efficient manner; whether or not discrimination is practiced; whether the appropriate FAR Part 77 standards relative to imaginary surfaces are obstruction free; whether or not all things affecting the safety and efficiency of the airport are being operated and/or maintained in accordance with reasonable, effective, and applicable standards. A determination will be made by the division of the appropriate class to which an airport will be assigned. A license issued under the provisions herein shall expire one year from the date of issuance. Licenses issued under these rules will be prominently displayed at the airport."

Auth: 67-2-102, MCA Imp: 67-3-101 (3), 104, 301, 303, MCA

"IV. SEAPLANES AND FLOAT PLANES (1) Seaplanes utilizing public waters on which to land, take off, and taxi shall comply with appropriate United States Federal Aviation Administration and United States Coast Guard regulations, as well as those regulations which may be set forth by other appropriate authorities or enforcement agencies for boats or vessels, which are deemed appropriate for seaplane/boat safety while operating on such public waters."

Auth: 67-2-102, MCA Imp: 67-3-304, MCA

"V. INSPECTION (1) Aeronautics division personnel shall be permitted at any time to make such inspections as deemed necessary to determine compliance with Montana Codes Annotated and these rules."

Auth: 67-2-102, MCA Imp: 67-3-105, 304, MCA

"VI. REVOCATION (1) The department may temporarily or permanently revoke a certificate of approval or license issued by it when it determines that an airport or restricted landing area fails to meet safety standards; is practicing discrimination; or is not being maintained or used in accordance with the provisions of the Montana aeronautics code and these rules."

Auth: 67-2-102, MCA Imp: 67-3-104, 304, MCA

"VII. PUBLIC HEARINGS (1) The department may, in its discretion, hold a public hearing before making an order granting or denying a certificate of approval or original

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 28
DATE 032285

motion carried unanimously. Senator Brown moved HB 354 be recommended BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ACTION ON HB 423: Senator Daniels moved HB 423 be recommended BE CONCURRED IN. Senator Blaylock asked who was liable when the airplane is landing and runs into a car. Senator Mazurek commented that is why we have lawyers and judges, and they can worry about that. Seantor Towe asked if this meant they have to go to the local public body and get authority in advance. Senator Mazurek responded they would go to the county commissioners. Senator Daniels suggested putting in something that says no liability will attach. Senator Mazurek suggesting something in the bill to relieve the local governing body from liability in case of a pothole in the road. Senator Galt asked if they carried liability insurance. Senator Daniels moved HB 423 be amended (see standing committee report for text of amendment). The motion carried unanimously. Senator Blaylock moved HB 423 be recommended BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ACTION ON HB 722: Proposed amendments were submitted to the committee (Exhibit 4). Mr. Petesch explained the House took out 812 because they felt it involved prior restraint, but taking it out of the bill does not solve that problem for radio stations. 811 and 813 add in television and cable broadcasting. If you want approval of the content in advance, it should be put in for everyone or taken out for everyone. Senator Mazurek responded we should be consistent and allow the same protections and repeal it for both. Senator Towe moved HB 722 be recommended BE NOT CONCURRED IN. Senator Mazurek asked why you should do it for radio but not for TV. Senator Towe responded he was not sure you should do it for radio, but when you expand it to TV, he ash some real problems. They can clip it and show it. You can do it for radio, but it is not as invidious. Senator Pinsoneault stated you cannot compare radio and TV. It is like apples and oranges. On radio, you are only listening. On television, you are seeing, listening, and hearing. The motion carried with Senators Brown, Crippen, Mazurek, and Yellowtail voting in opposition.

ACTION ON HB 622: Senator Mazurek commented Senator Van Valkenburg thought this bill was just fine. Senator Daniels stated it is a lousy bill; it is terrible. Judge Loble always said a check is nothing but a promise to pay, so when it bounces, it is a broken promise. Nowe we are saying a guy writes his name on a check, and he breaks a promise. So when he writes his name on a contract, he breaks a promise. Now we are going to put him in jail. Senator Pinsoneault thought it was a good bill. Senator Mazurek stated you are going after him civilly, but not criminally without this bill. Senator Blaylock stated you come in and say I want that and give him a check and get the thing and the check bounces. You can prosecute. A week later it is on the account and you

STANDING COMMITTEE REPORT

March 23 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 423

third reading copy (blue color)

(Senator Hammond)

LEGALIZE LANDING AND TAKEOFF OF AIRCRAFT ON PUBLIC WATERS AND ROADS

Respectfully report as follows: That HOUSE BILL No. 423

be amended as follows:

Page 2, line 8.
Following: "section."
Insert: "However, the local governing jurisdiction shall incur no liability as a result of an approval under this subsection."

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~
~~DO PASS~~

~~XXXXXXXXXX~~
~~DO NOT PASS~~

Senator Joe Mazurek
Chairman.